

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 825 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MISS RAMGAURI GOKULDAS PATEL

Versus

PARSOTTAM LAXMAN LAAD, SARPANCH OF GRAM PANCHAYT

Appearance:

MR G RAMAKRISHNAN for Petitioner

MR HL JANI, APP for Respondent No.5-State

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 01/11/1999

ORAL JUDGEMENT

Heard learned counsel for the petitioner,
Mr.G.Ramakrishnan and learned Addl. Public Prosecutor
for the respondent No.5-State, Mr.H.L.Jani.

2. This petition has been filed by the petitioner
requesting this Court to direct the respondent No.4 to

direct the respondent No.3 to lodge the FIR of the petitioner and take appropriate action against the persons mentioned in the FIR. At first instance, notices were issued. Thereafter, specific order has been passed by this Court on 1-10-1999 directing the D.S.P., Valsad to investigate into the matter based on an application dated 12-9-1999 sent by registered post A/D. In pursuance to the directions given by this Court, D.S.P., Valsad, has investigated into the matter and sent the report to Govt. Pleader, State of Gujarat, Ahmedabad on 5-10-1999 through fax which has been produced by the learned Addl. Public Prosecutor, Shri H.J.Jani and it is on record. Thereafter, this Court has passed an order on 18-10-1999 after verifying the report submitted by the D.S.P., Valsad and matter was adjourned to 26th October, 1999 so as to enable the learned counsel for the petitioner to file a rejoinder against the explanation submitted by the D.S.P. On 26th October, 1999 learned counsel for the petitioner did not file the rejoinder, but sought adjournment through his colleague and matter was adjourned to 1-11-1999.

3. Today, learned counsel for the petitioner, Mr.G. Ramakrishnan is personally present. He has shown his inability to file the affidavit-in-rejoinder stating that though he has informed the petitioner, he did not turn up and, therefore, learned counsel for the petitioner has argued the matter on merits.

4. I have gone through the detailed reply submitted by D.S.P., Valsad wherein it appears that he has taken sufficient pain to investigate the matter and a detailed report was submitted by him regarding the dispute going on with the State of Gujarat and Panchayat by the present petitioner and alleged accused. It is established from the record wherein petitioner has mentioned that he is in possession of the panchayat land and for that, procedure is going on in the civil court and alleged accused are Sarpanch and Talati-cum-Mantri of the said Village. Respondent No.1 being office bearer of the Panchayat and respondent No.2 being Talati-Cum-Mantri of the Village, they ought to have passed some order as per their duties. Leaving aside the above facts, it appears that on the application sent by the petitioner to D.S.P., Valsad matter has been fully investigated by the D.S.P. and submitted the report. It has been specifically mentioned in the said report that even some chapter case has also been filed against the present petitioner and other other accused.

5. I am fully satisfied with the report submitted by

the D.S.P., Valsad and nothing more is required to be done in the matter at this stage. In case the petitioner is not satisfied with the report submitted by the D.S.P., he is at liberty to file appropriate proceedings before the appropriate court. With this observation, this Special Criminal Application stands disposed of. Notice is discharged.

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